

tentiary to defer the payment of certain money to become due.

On motion of Senator Fountain the Senate adjourned to 9 o'clock A. M. next Monday.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 26, 1873.

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of Saturday was dispensed with.

On motion of Senator Swift, House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named," was referred to a select committee, viz., Senators Swift, Avinger and Cole.

Senator Finlay reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your select committee on House bill No. 234, to be entitled "An act to encourage stock raising, and for the protection of stock raisers," have considered the same, and I am instructed to report it back and recommend its passage, with the accompanying amendments.

GEO. P. FINLAY, Chairman.

Amend by substituting section one by the following substitute:

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That each organized county of this State is hereby created an inspection district for the inspection of hides and animals, and that an inspector of hides and animals shall be elected in each inspection district at the next general election of county officers, and every two years thereafter; *provided*, that until the next general election, the sheriffs of the counties having no qualified inspectors shall be *ex officio* the inspectors of hides and animals of their respective counties, until the next general election.

Amend by making section thirty read section forty-four, and by making section thirty-one read section forty-five.

Amend by inserting the following sections, from thirty to forty-three, inclusive, to-wit:

SEC. 30. Every inspector shall have authority to authenticate bills of sale of animals, and give certificates of acknowledgment of the same under his hand and seal.

SEC. 31. Every inspector, who shall give any certificate of inspection without first having made the inspection in accordance with the twenty-ninth section of this act, or shall fraudulently issue a certificate of inspection of any hides or animals, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, and in addition thereto shall be removed from his office by a decree of the court trying the same.

SEC. 32. No minor under the age of twenty-one years shall be permitted to brand cattle on the commons or prairie, in any brand claimed by himself, unless he is accompanied by his father, mother or guardian, or some agent duly appointed by his father, mother or guardian; and any minor violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten nor more than fifty dollars.

SEC. 33. Any person who shall counter-brand any cattle without the consent of the owner or his agent shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten dollars nor more than fifty dollars for each animal so counter-branded.

SEC. 34. Any person who shall alter the mark of any animal shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten dollars nor more than fifty dollars for each animal whose mark is so altered.

SEC. 35. Any person who shall drive any cattle across the Rio Grande river into Mexico, at any other point than where a United States custom house is established, or place of inspection by United States custom house officers, or without first having the same inspected in accordance with the sixteenth section of this act, shall be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary for any term not less than two nor more than five years.

SEC. 36. Any person who shall ship from any port of this State any hides of cattle imported from Mexico, without first having procured a certificate of importation as provided in section eighteen of this act, shall be deemed

guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one dollar nor more than five dollar for each hide so shipped.

SEC. 37. Any person who shall sell any hides of cattle without first having the same inspected shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one dollars nor more than five dollars for each hide so sold.

SEC. 38. Any person who shall drive any cattle out of any county, with the intention of driving the same beyond the limits of this State, to market, without first having road-branded the same in accordance with the fifteenth section of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one dollar nor more than five dollars for each animal so driven.

SEC. 39. Any person who shall drive any cattle or horses out of any county without having first had the same duly inspected shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one dollar nor more than five dollars per head for each animal so driven.

SEC. 40. Any person who shall purchase any hides of cattle without first obtaining a bill of sale from the owner or his agent, as required by section twelve of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one dollar nor more than five dollars for each hide so purchased.

SEC. 41. Any person who shall, as the agent of another, sell any cattle without having first obtained a power of attorney duly authenticated, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten nor more than twenty dollars for each animal so sold.

SEC. 42. Any person who shall, in originally branding and marking cattle, use more than one brand or mark, in any county, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

SEC. 43. Any person who shall brand or mark any cattle without first having recorded his mark or brand shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten nor more than fifty dollars.

On motion of Senator Finlay, the rules were suspended

to take up the report just read. The bill was read second time and the report adopted.

The bill passed to a third reading.

The hour having arrived for the special order, on motion of Senator King, the same was postponed until the pending business was disposed of.

On motion of Senator King, the rules were further suspended, the bill read third time and passed.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

Senate bill No. 370, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State."

Senate bill No. 127, "An act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871."

Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871."

Senate bill No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of university lands, sold under the provisions of an act for the disposition and sale of the university lands, approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands."

HENRY C. KING, Chairman.

Senator Fountain offered the following resolution:

*Resolved*, That two thousand copies of the school law be printed in pamphlet form for the use of the Senate.

Adopted.

Senator Fountain also offered the following resolution:

*Resolved*, That five hundred copies of the school law be printed in the German language, and two hundred and fifty copies be printed in the Spanish language, for the use of the Senate.

Adopted.

Senator Dohoney, chairman of the Committee on Education, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Education, to whom was referred House bill No. 326, "An act to prohibit the sale of spirituous, vinous and other intoxicating liquors within three miles of Mount Calm Masonic Institute," have had the same under consideration, and instruct me to report the same back and recommend its passage.

E. L. DOHONEY, Chairman.

Senator Dohoney introduced a bill to be entitled "An act to amend the second section of an act concerning county seats, approved May 9, 1838." Read first time and not referred.

Senator Shelley, chairman of the Committee on Public Buildings, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Buildings, to whom was referred House bill No. 927, to be entitled "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State," having carefully considered the same, ask leave to report it back to the Senate with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

On motion of Senator Shelley the rules were suspended to take up the bill and report.

The bill was read second time and the report adopted; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Dohoney, Evans, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Saylor, Shelley, Swift, Tendick, Tracy and Word—22.

Not voting—Senators Ball, Broughton, Ford, Finlay, Gaines, Ruby, Sayers and Mr. President.

Senator Finlay offered the following resolution, which was adopted:

*Resolved*, That if any page of the Senate of the State of Texas absent himself from the Senate without leave of

the President, he shall be and is hereby expelled from this body.

Senator Dohoney, chairman *pro tem.* of the Committee on Internal Improvements, made the following reports:  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 906, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company," have had the same under consideration, and instruct me to report the same back, and recommend its passage.

E. L. DOHONEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 563, "An act to amend sections three, five and six of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road," have had the same under careful consideration, and recommend that it do pass.

E. L. DOHONEY, Chairman.

Senator Ball submitted the following report:

*Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIRS: The joint committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred the special communication of the Governor, and the letter of the Attorney General accompanying the same, in regard to certain proceedings in the District Court of Webb county, relating to the confirmation of land titles in the counties of Webb and Zapata, have had this subject matter under consideration, and have instructed us to report that we find that under the provisions of an act entitled "An act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," approved February 11, 1860, one Daniel Ruggles, on the sixteenth day of June, 1860, filed two certain petitions in the District Court of Webb county, setting forth two separate and distinct tracts of land, and numbered eleven and fourteen respectively, of the files of said court.

That on the fifteenth of December following, amended petitions were filed in each of said cases.

That the district attorney filed answers in said causes, and on the eighth of January, 1862, one of said causes, No. 14, was tried on the merits and judgment entered therein at length on the minutes of the court, from which it appeared that the whole of said tract was granted to one Joaquin Galan by the Spanish government about or before the year 1805, who sold said land to one Manuel Garza; that afterwards the town of Palafox was founded by the Spanish government and a portion of said town was laid off on the front of this tract of land, and extending across the Rio Grande, and the municipal jurisdiction of said town extended up and down on the front of said land for some six leagues.

That said Garza, the grantee of Galan, received in compensation from the government other lands, called the "Balconcitas," above and adjoining the lands in the suit tried, and that these lands so received in compensation for the Palafox lands were the lands embraced in the other petition, No. 11, before mentioned.

That the decree in said suit, No. 14, confirmed the whole of the tract described in the petition, excepting therefrom what appeared to have been taken for and belonged to the municipal jurisdiction of Palafox, amounting to about thirty-six square leagues.

The other case, No. 11, for the Balconcitas tract, remained on the docket until January 4, 1871, and in the meantime, from some inattention of the different persons acting as clerks, in not filing regularly the original papers, seems to have been confounded in two new numbers, sixteen and seventeen, and also to have been confounded with the case that was tried, and in these numbers orders were entered on the minutes on the above date dismissing them for want of jurisdiction; that on the eighth day of March 1872, the said causes are ordered to be reinstated on the docket.

That on March 13, 1872, by an order of the court, the file numbers of these suits as sixteen and seventeen are changed to eleven and fourteen, as stated, to conform to the original file numbers.

That on the twelfth of March, a motion was entertained by the court to vacate the judgment rendered in cause No. 14 on the eighth day of January, 1862, and was sustained.

That on the thirteenth day of March, 1872, the original causes, Nos. 11 and 14, were, on motion, consolidated for trial as original causes, and were so tried as one cause, and judgment rendered against the State for the lands described in both original petitions, embracing some sixty odd leagues.

The committee consider the proceedings of the court in these last proceedings as entirely without jurisdiction; that it had no authority to set aside the judgment of the eighth of January, 1862; and after the dismissal of the causes on the fourth of January, 1871, it had no authority, in March, 1872, to reinstate and vitalize them.

Nor do the committee think that the court could, under any circumstances, consolidate these cases. The law contemplated that each separate tract of land should form the base of a separate claim; the claimant Ruggles had acted on this principle, and he was estopped to say that what he had sworn to and presented to the court as two distinct tracts of land was in fact only one tract. Besides, the State is not bound by the semblance of a judgment like the one in this case. No attorney of the State has authority to make any admissions against it.

These proceedings, viewed in a purely legal light, strike the mind as an original proceeding against the State, without its consent, and of course without legal and constitutional authority, and are therefore void of all legal effect.

The committee further find that during the late war the judicial records of Zapata county were lost and destroyed; and that under the above recited act, confirmation of certain grants to lands in said county had taken place in the district court of that county.

That the District Court of Webb county, to which Zapata county is now attached for judicial purposes, has entertained several petitions against the State, to re-establish the pleadings and judgments in said cases.

The committee are unanimously of the opinion that these cases are original proceedings against the State, prosecuted without its authority, and are therefore void of all legal effect.

In giving these views, the committee present what occurs to them as inevitable legal conclusions; that whatever convenience it might be to the parties to resort to these measures, or whatever merit there might be in their

respective claims or cases, thus situated, their legal status cannot be changed or vitalized in this manner.

The committee therefore recommend the passage of the subjoined resolution, and beg to be relieved from the further consideration of the subject.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

*Resolved, as the sense of this house,* That the Attorney General should take measures to have each and all the cases referred to in the foregoing report removed into the Supreme Court of the State for review and correction.

The special order, viz., the general appropriation bill, was taken up, pending the following amendment offered by Senator Finlay, viz.: Amend under the head of General Land Office, as follows: "*provided*, that only fifteen clerks and nine draughtsmen shall be employed in the Land Office at any one time."

A message was received from the House informing the Senate that the House had passed Senate bill No. 240, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county."

House bill No. 637, "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county."

House bill No. 946, "An act making valid the registration of certain deeds and other instruments of writing."

House bill No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, in September, 1842."

House bill No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors."

House bill No. 947, "An act to locate the county seat of Trinity county."

House bill No. 950, "An act concerning judicial advertisements in Comanche county."

House bill No. 948, "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866."

And that the House had concurred in the amendments of the Senate to the following bills, viz.:

House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company."

House bill No. 169, "An act incorporating the town of Willis, in Montgomery county."

House bill No. 327, "An act to reincorporate the town of Denton."

House bill No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway."

House bill No. 603, "An act to incorporate the town of Honey Grove, in Fannin county."

The consideration of the general appropriation bill was again resumed, pending Senator Finlay's amendment.

Senator Dillard moved the previous question. Carried.

The main question, viz., the adoption of the amendment offered by Senator Finlay, was put, and the Senate refused to adopt the amendment by the following vote:

Yeas—Senators Avinger, Dillard, Evans, Finlay, Franks, Latimer, Randle and Swift—8.

Nays—Senators Baker, Ball, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Saylor, Shelley, Tendick, Tracy and Word—18.

Not voting—Senators Broughton, Flanagan, Sayers and Mr. President.

A message was received from the House informing the Senate that a motion was pending in the House to reconsider the vote taken on the passage of Senate bill No. 75, "An act authorizing Washington county to issue bonds to fund the debt of said county."

Also, Senate joint resolution No. 43, authorizing certain accountants to write up and adjust the books of the Treasurer, George W. Honey, and requesting the Senate to return the same to the House.

Request granted.

The consideration of the general appropriation bill was again resumed.

Senator Franks proposed to amend, under the head of Judiciary Department, as follows: On page fourteen, after line fifty-three, add: "for furniture for Supreme Court room and for clerk's office, \$5000." Adopted.

Senator Saylor proposed to amend as follows: Amend page nine, after line eleven, under head of School Department, by adding "Salaries of school inspectors, \$15,000."

Senator Shelley moved to amend the amendment offered by Senator Saylor, by striking out "\$15,000," and inserting "\$3000." Adopted.

Senator Fountain proposed to amend as follows: "for services of attorneys in prosecuting the rights of the State to the Great Salt Lake, called the Sal del Rey, \$3000." Adopted.

A special committee from the House, consisting of Messrs. Bewley, Robb and Lane, was announced, who presented the following message:

*Hon. H. B. Pickett, President of the Senate:*

SIR: In obedience to the order of the House of Representatives, we appear before you. In the name of the House of Representatives and of all the people of the State of Texas, we do impeach William Chambers, Judge of the First Judicial District of the State of Texas, of high crimes and misdemeanors in office; and we further inform the Senate that the House of Representatives will, in due time, exhibit to the Senate particular articles of impeachment against him, and make good the same. And in their name we demand that the Senate take order for the appearance of the said William Chambers to answer said impeachment.

The President acknowledged the reception of the communication, and informed the committee that the Senate would take proper order therein, of which due notice would be given to the House of Representatives.

The hour having arrived for the special order, viz., House bill No. 712, "An act granting lands to the International Railroad," on motion of Senator Tracy, the same was postponed, and the consideration of the general appropriation bill again resumed.

A message was received from the House informing the Senate that the House had reconsidered the vote taken on the passage of Senate joint resolution No. 43, authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to the twenty-seventh day of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith, and had passed the same, with an amendment.

The consideration of the general appropriation bill was again resumed.

Senator Finlay offered the following amendments, viz.:

Under the head of Blind Asylum, strike out the fourth, fifth, sixth, seventh, ninth and tenth lines.

Also strike out "\$19,440," in line eight, and insert "\$10,000."

Also strike out "\$20,000," in line thirteen, and insert "\$10,000."

Senator Swift offered the following as a substitute for the amendment offered by Senator Finlay, viz.: Amend by striking out "\$19,440," and inserting "\$13,600."

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have the honor to report that they have examined Senate bill No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company," and find the same correctly engrossed.

HENRY C. KING, Chairman.

Senator Ford gave notice that he would move a reconsideration of the vote taken on the passage of House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, and approved February 6, 1871."

Pending the amendment offered by Senator Finlay to the general appropriation bill, on motion of Senator Gaines the Senate adjourned to 4 o'clock P. M. by the following vote:

Yeas—Senators Baker, Ball, Cole, Dillard, Ford, Fountain, Franks, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Swift, Tracy and Mr. President—16.

Nays—Senators Avinger, Dohoney, Evans, Finlay, Henry, King, Ruby, Saylor, Shelley, Tendick and Word—11.

#### AFTERNOON SESSION.

Senate met at 4 P. M., pursuant to adjournment. Roll called; quorum present.

Senator Shelley offered the following resolution, which was adopted:

*Resolved*, That the message of the House of Represen-

tatives, relative to the impeachment of William Chambers, Judge of the First Judicial District of the State of Texas, be referred to a select committee of three, to be appointed by the President, to consider the same and report thereon.

The President appointed the following committee, to-wit.: Senators Shelley, Henry and Swift.

The consideration of the general appropriation bill was resumed, pending the amendment offered by Senator Finlay and the substitute offered by Senator Swift.

Senator Shelley moved to lay the amendment and substitute on the table.

On motion of Senator Franks a division of the question was ordered.

The Senate then refused to lay the substitute on the table by the following vote:

Yeas—Senators Fountain, Hall, Henry, King, Pyle, Rawson, Ruby, Shelley, Tendick and Mr. President—10.

Nays—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Gaines, Latimer, Sayers, Swift and Word—13.

Not voting—Senators Broughton, Cole, Ford, Flanagan, Randle, Saylor and Tracy.

The amendment as substituted was then adopted.

Senator Finlay then proposed to amend, under the head of Blind Asylum, by striking out lines four, five, six, seven, nine and ten, on page eleven.

On motion of Senator Franks a division of the question was ordered.

The Senate then refused to strike out lines four, five and six.

The Senate then refused to strike out line seven, by the following vote:

Yeas—Senators Avinger, Dillard, Evans, Finlay, Franks, Latimer and Tracy—6.

Nays—Senators Baker, Ball, Cole, Ford, Fountain, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Tendick, Word and Mr. President—18.

Not voting—Senators Dohoney, Saylor and Swift.

The Senate refused to strike out lines nine and ten, by the following vote:

Yeas—Senators Ball, Dillard, Dohoney, Evans, Ford, Finlay, Franks, Gaines and Randle—8.

Nays—Senators Avinger, Baker, Cole, Fountain, Hall, Henry, King, Latimer, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—17.

Pending the further consideration of the bill, Senator Ford moved to reconsider the vote passing House bill No. 902, "An act amendatory of an act fixing the times of holding the district courts in the several judicial districts."

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 248, "An act to empower the Commissioner of the General Land Office to issue to Willett Holmes a headright certificate of one league and one labor of land."

Senate bill No. 200, "An act to amend an act to incorporate the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870."

Senate bill No. 124, "An act to incorporate the town of Granberry in Hood county, State of Texas."

Senate bill No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased."

Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company," with amendments.

The consideration of the appropriation bill was again resumed.

Senator Finlay proposed to amend, under the head of Blind Asylum, by striking out in line thirteen "\$20,000," and inserting "\$10,000." Lost by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Evans, Finlay, Franks, Gaines, Latimer, Randle, Swift, Tracy and Word—12.

Nays—Senators Baker, Ball, Cole, Ford, Fountain, Hall, Pyle, Rawson, Ruby, Sayers, Shelley and Tendick—13.

Not voting—Senators King, Saylor and Mr. President.

Senator Swift proposed to amend, under the head of Blind Asylum, in line thirteen, by striking out "\$20,000," and inserting "\$13,600." Lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Gaines, Randle, Swift, Tracy and Word—12.

Nays—Senators Baker, Cole, Fountain, Hall, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley and Tendick—13.

Not voting—Senators Latimer and Mr. President.

Senator Shelley proposed to amend line five, under the head of Deaf and Dumb Asylum, by striking out the word "fence," and inserting the word "furniture."

Adopted.

Senator Shelley proposed to amend, under the head of Executive Department, by inserting after line sixteen the following: "For furniture for Governor's Mansion, \$500." Adopted.

Senator Saylor proposed to amend, under the head of School Department, on page nine, after line fifteen, by inserting the following: "For rent, fuel, furniture, buckets, brooms, and other miscellaneous accounts, \$70,000." Lost.

Senator Finlay proposed to amend, under the head of Lunatic Asylum, by striking out in lines forty-six and forty-seven "\$50,000." Lost.

Senator Dillard proposed to amend, under the head of Lunatic Asylum, line forty-seven, by striking out "\$50,000" and inserting "\$20,000." Lost by the following vote:

Yeas—Senators Dillard, Evans, Finlay, Franks, Henry, King and Mr. President—7.

Nays—Senators Avinger, Baker, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Not voting—Senator Ball.

Senator Finlay proposed to amend, under the head of Miscellaneous, by striking out after the twenty-second line down to and including the thirty-fourth line.

Pending the consideration of the amendment offered by Senator Finlay, Senator Tracy moved to reconsider the vote taken on the passage of Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease."

Senator Ruby moved to lay the motion on the table.

Senator Franks moved to adjourn to 9 o'clock A. M. to-morrow. Lost by the following vote:

Yeas—Senators Avinger, Franks, Gaines and Mr. President—4.

Nays—Senators Baker, Cole, Dohoney, Evans, Ford, Finlay, Fountain, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—19.

Senator Ruby then moved to postpone the general ap-

appropriation bill to take up the motion to reconsider and lay on the table.

Senator Franks moved to adjourn to 9 o'clock A. M. to-morrow. Lost by the following vote:

Yeas—Senators Avinger, Dohoney, Franks, Latimer, Swift and Mr. President—6.

Nays—Senators Baker, Cole, Ford, Finlay, Fountain, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—16.

The question recurring upon the adoption of the motion offered by Senator Ruby to postpone pending business, the same was put and carried.

Senator Franks moved a call of the Senate. Call not sustained.

Senator Tracy moved to reconsider and lay that motion on the table.

Senator Tracy then withdrew his motion to lay on the table.

The Chair announced that the pending question was Senator Franks' motion offered on last Saturday to reconsider the vote passing the bill in question, being Senate bill No. 362.

On motion of Senator Franks, the Senate adjourned to 9 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, May 27, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

On motion of Senator Henry, Senate joint resolution No. 43, "Authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to the twenty-seventh of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith," with House amendments, taken up, and the Senate concurred in the amendments.